

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

JORDAN AHENAKEW,

Plaintiff,

vs.

TAMMY BORGER, MANDY  
KELSEY, JAMES ROBERT ZADICK,  
JUDGE ELIZABETH BEST,

Defendants.

CV 23-46-GF-BMM

ORDER

On August 3, 2023, Plaintiff Jordan Ahenakew (“Ahenakew”) filed a civil rights complaint under 42 U.S.C. § 1983. (Doc. 1.) At the time of filing Ahenakew was a state prisoner proceeding pro se and *informa pauperis*. Ahenakew generally alleged constitutional infirmities had occurred during his dependency and neglect proceedings and that Defendants had violated provisions of the Indian Child Welfare Act (“ICWA”). (*Id.*)

Magistrate Judge Johnston entered an order advising Ahenakew that his complaint was subject to dismissal for failure to state a claim. *See generally* (Doc. 6.) The order explained the deficiencies in the document and Ahenakew was provided an opportunity to file an amended complaint. (*Id.*) Ahenakew was informed of his obligation to immediately notify the Court of any changes in his mailing address and that failure to do so would result in the dismissal of his case without further notice. *See e.g.* (Doc. 2 at 2); (Doc. 4 at 2-3); and (Doc. 6 at 13).

On November 16, 2023, the Court was notified by Montana State Prison that Magistrate Judge Johnston's Order was undeliverable because Ahenakew was no longer incarcerated at that facility and his present location is "unknown." (Doc. 7.) Ahenakew is no longer listed on the Montana Department of Corrections Offender Network.<sup>1</sup> Ahenakew has failed to provide a new address as directed and the Court has no additional means with which to locate him.

Based upon the foregoing, the Court issues the following:

**ORDER**

1. Ahenakew's Complaint (Doc. 1) is DISMISSED without prejudice for failure to comply with a Court order.
2. The Clerk of Court is directed to close this matter and enter judgment in favor of Defendant pursuant to Rule 58 of the Federal Rules of Civil Procedure.
3. The Clerk of Court is directed to have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith. No reasonable person could suppose an appeal would have merit.

DATED this 17<sup>th</sup> day of November, 2023.

*/s/ Brian Morris*  
Brian Morris, Chief Judge  
United States District Court

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<sup>1</sup> See: <https://app.mt.gov/conweb/Search> (accessed November 16, 2023).